

## **Minutes DEVELOPMENT REVIEW COMMISSION AUGUST 14, 2007**

The Development Review Commission Study Session was held on August 14, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

**Present:**

Vanessa MacDonald, (Acting Chair)  
Tom Oteri  
Monica Attridge  
Dennis Webb  
Mario Torregrossa  
Heather Carnahan

**Absent:**

Charles Huellmantel  
Mike DiDomenico  
Peggy Tinsley  
Stanley Nicpon

**City Staff Present:**

Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Kevin O'Melia, Senior Planner  
Diana Kaminski, Senior Planner  
Shawn Daffara, Planner II

**Study Session convened at 6:30 p.m.**

- Item No. 2, applicant requests withdrawal of appeal; Item No. 3 applicant requests continuance to October 9, 2007; Item Nos. 4 & 5 to be on Consent Agenda; Item No. 6 will be heard, additional Condition 3C was read; Item No. 7 applicant requests continuance to August 28, 2007 hearing; Item No. 8 will be heard with subtraction to Condition 25; Item No. 9, the appeal applicant requests continuance to September 25, 2007 hearing; Item Nos. 10, 11, and 12 will be on the Consent Agenda; and Item No. 13 will be heard.

**Study Session adjourned at 6:45 p.m.**

**The Development Review Commission Public Hearing was held on August 14, 2007 at Council Chambers, Garden Level, 31 East Fifth Street.**

**Present:**

Vanessa MacDonald (Acting Chair)  
Tom Oteri  
Monica Attridge  
Dennis Webb  
Mario Torregrossa  
Stanley Nicpon  
Heather Carnahan

**Absent:**

Charles Huellmantel  
Peggy Tinsley  
Mike DiDomenico

**City Staff Present:**

Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Kevin O'Melia, Senior Planner  
Diana Kaminski, Senior Planner  
Shawn Daffara, Planner II  
Shelly Seyler, Traffic Engineer

**Meeting convened at 7:00 p.m.**

**Item #1 – Approval of Minutes**

**On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 6-0 (Commissioner Attridge abstained) approved the minutes of the May 22, 2007 hearing.**

**On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 6-0 (Commissioner Carnahan abstained) approved the minutes of the June 12, 2007 hearing.**

**On a motion by Commissioner Nicpon and seconded by Commissioner Carnahan, the Commission with a vote of 6-0 (Commissioner Webb abstained) approved the minutes of the June 26, 2007 hearing (with the removal of Commissioner Webb from the June 26<sup>th</sup> hearing).**

**On a motion by Commissioner Nicpon and seconded by Commissioner Carnahan, the Commission with a vote of 6-0 (Commissioner Webb abstained) approved the minutes of the July 10, 2007 hearing.**

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<b>Item #2</b>	<b>PL070203 DPR07098</b>	<b>OLIVE BRANCH RESTAURANT (WITHDRAWN)</b> (Development Plan Review) 3231 South Mill Avenue CSS, Commercial Shopping and Services District
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Steve Abrahamson indicates to the Commission that the applicant, Neil Sheiner, has withdrawn his appeal to the Commission and is no longer in opposition to Condition No. 8 as it relates to the neon lighting.

**Consent Items**

**Acting Chair MacDonald stated that certain items could be handled in the consent fashion if they were properly represented and if there were no objections.**

**On a motion by Commissioner Nicpon, seconded by Commissioner Webb, the Commission with a vote of 7-0 approved the Consent Agenda as follows:**

**Item #4**                      **PL060529**                      **COBBLESTONE COURT PHASE 3**  
                                 **DPR07138**                      (Development Plan Review)  
                                                      9020 South McClintock Drive  
                                                      CSS, Commercial Shopping and Services District

**DPR07138** – Development plan review including site plan, building elevations and landscape plan.

This approval is subject to the following conditions:

**General**

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **August 14, 2008** or Development Plan approval will expire.

**Site Plan**

2. Provide complete project data as outlined in the Site Plan Review mark-up (sheet DR-1), dated 7/11/07. Include vehicle parking calculation indicating required parking for each existing and projected use in the buildings of the complex. Provide a mix of uses and parking ratios to demonstrate that provided surface parking does not exceed required parking by greater than 125 percent. Alternatively, obtain a Use Permit to exceed provided surface parking over required parking by greater than 125 percent.
3. At proposed parking, modify landscape islands at both east and west ends, as graphically illustrated in the Site Plan Review mark-up (sheet DR-1), dated 7/11/07.
  - a. Widen existing west island west of existing concrete walkway by aligning east edge of island with west edge of walkway, as indicated in the mark-up. Remove existing concrete and provide curb as needed to contain irrigation in this sloping site area.
  - b. Layout east landscaped island so it wraps around bike proposed parking pad, as indicated in the mark-up.
4. Repair existing site perimeter wall where damaged, for instance by landscape growth, or for any other reason. Extension of height of wall is not required.
5. Repair and/or replace paving tile that has become loose where occurs anywhere on site.
6. Place the existing as well as any proposed additional freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry screen wall following the requirements of Standard Detail T-214. Finish any screen wall additions with exterior plaster and paint to match existing screen walls.
7. Existing and any proposed utility equipment boxes for this development shall be finished in a uniform neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

**Floor Plans**

8. Public Restroom Security:
  - a. Lights in restrooms:
    - 1) Provide 50% night lights
    - 2) Activate by key or remote control mechanism
  - b. Single user restroom door hardware: provide a key bypass on the exterior side

**Building Elevations**

9. Replace dented or damaged hat channels where occurs on existing buildings.

10. The main colors and materials described in the presentation exhibits are acceptable as matching to the colors and materials of the existing buildings. Demonstrate a maximum 75 percent reflectance value for the creamy white color used for the building walls. Submit any additions or modifications for review during building plan check process. Approved colors shall be field verified by the Inspection staff during building construction.
11. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
12. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
13. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Do not make these elements afterthoughts that mar the design.
14. Locate the electrical service entrance section inside the building similar to the other buildings on site. If the service entrance section for Phase III is part of the main S.E.S. in the existing building, do not adversely modify that area by allowing exposed equipment.
15. Exposed conduit and piping on the exterior surfaces of the building, including walls or soffits, is not allowed on the Phase III building or on the existing buildings where a non-compliant light fixture is replaced or some other modification is made that is part of this work. A creative conduit surface design, if proposed to compliment the architecture, requires separate processing by the Development Review Commission and/or Planning Division staff.

#### **Lighting**

16. Upgrade existing security lighting for entire site to extent as follows:
  - a) Meet light levels around Phase III building, at Phase III covered arcades and at proposed vehicle and bike parking to north of this building in conformance with ZDC Part 4, chapter 8. Provide Photometric Plan indicating light levels in these areas.
  - b) A photometric plan is not required for the entire site. It is not necessary to bring entire site area up to light levels indicated in the ZDC Part 4, chapter 8. However, the following is required for the existing buildings and site as part of this Phase III work:
    - 1) Replace any ordinance non-compliant security fixtures where occurs on the existing buildings and in parking areas. Typically the wall mount fixtures on the existing buildings are not full cut-off.
    - 2) Existing freestanding security light fixtures in parking landscape islands may remain. Generally, re-lamp freestanding security light fixtures in parking where lamp brightness has declined. Have electrical engineer determine if fixtures need to be re-lamped; Planning inspection staff will verify re-lamp requirement during a night site inspection prior to issuance of Certificate of Occupancy.
    - 3) At existing and proposed buildings, illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations.

#### **Landscape**

17. Provide one additional 24" box canopy tree and five additional maximum 2'-0" high plant groundcovers at the landscape island at the northeast corner of the proposed building, immediately adjacent to the east end of the new parking space row. Refer to Site Plan Review mark-up (sheet DR-2), dated 7/11/07, if question on location of the additional tree.
18. Irrigation notes:
  - a) Repair existing irrigation system on site or in the adjacent public right of way where damaged by work of this project or by general wear and tear. Provide temporary irrigation to existing landscape for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontages are irrigated as part of the reconfigured system at the conclusion of this construction.
  - b) Provide pipe distribution system for irrigation extensions of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
  - c) If the existing irrigation controller is replaced, locate valve controller inside the building. Alternatively, if the controller is located outside, place in a vandal resistant housing and hardwire power source to controller (a

receptacle connection is not allowed). Conceal controller valve wire and power source conduits.

19. Include requirement in site landscape work to de-compact soil in planting areas in project area and remove construction debris from planting areas prior to landscape installation.
20. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

### Signage

21. Provide one 0'-12" high address sign on each side of the masonry base of the monument sign on Mill Avenue. There currently are no address signs on the existing buildings. Provide seven 0'-12" high address signs on the buildings (including the Phase III building, including two on the east, two on the north, two on the south and one on the west elevation. Locate signs at uniform height on building in the approximate locations indicated on the Site Plan Review mark-up (sheet DR-1), dated 7/11/07. Conform to the following for address signs described in this condition:
  - a. Direct illuminate the address signs.
  - b. Provide street number only, not the street name.
  - c. Compose of individual mount, metal reverse pan channel characters.
  - d. Adjust locations so sign is unobstructed by trees, vines, etc.
  - e. Do not affix another number or a letter that might be mistaken for the address number.

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<b>Item #5</b>	<b>PL060548</b> <b>DPR07156</b> <b>SBD07024</b>	<b>PIER 202</b> (Development Plan Review) (Preliminary Subdivision Plat) 1200 East Rio Salado Parkway MU-4, Mixed Use High Density District
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**DPR07156** – Development plan review including site plan, building elevations and landscape plan.

**SBD07024** – Preliminary Subdivision Plat consisting of nine (9) lots on +/- 27.4 gross acres.

The approval is subject to the following conditions:

### **SBD07024**

#### **CONDITIONS OF APPROVAL:**

1. The Subdivision Plat for PIER 202 shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before August 16, 2008. Failure to record the plan within one year of City Council approval shall make the plan null and void.
2. After recordation of the plat, the Development Services will deliver the recorded plat to a blueprint company to create photo reduced positives for the City's records, at a cost to the applicant.

### **DPR07156**

#### **CONDITIONS OF APPROVAL:**

3. Your drawings must be submitted to the Development Services Building Safety Division for permit by **August 14, 2008** or Development Plan approval will expire.
4. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney.

**Site Plan**

5. Provide 8'-0" wide public sidewalk along arterial roadways and minimum 6'-0" wide sidewalks on interior roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
6. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
7. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

8. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
9. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

#### Lighting

10. Follow requirements of the Zoning and Development Code Part 4, Chapter 8, Lighting, except that Section 4-803(C)(5)(d) shall allow lenses visible above the horizontal plane no greater than seventeen hundred (1700) lumens.

#### Landscape

11. Follow requirements of the Zoning and Development Code Part 4, Chapter 7, Landscape and Walls.
12. Irrigation notes:
  - a. Provide dedicated landscape water meter.
  - b. Enclose backflow prevention device in a lockable, pre-manufactured cage.
  - c. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
  - d. Locate valve controller in a vandal resistant housing.
  - e. Hardwire power source to controller (a receptacle connection is not allowed).
  - f. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
  - g. Design irrigation so proposed plants are irrigated as part of the reconfigured system at the conclusion of this construction.
13. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
14. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

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**Item #10**      **PL070201**      **HYATT SUMMERFIELD SUITES**  
(Development Plan Review)  
8575 South Priest Drive  
PCC-1, Planned Commercial Center Neighborhood District

**DPR07140** - Development plan review including building elevations, site plan and landscape plan for a four-story suite and studio extended stay hotel built in a U-shape around a central landscaped courtyard and pool.

The approval is based on the following conditions:

#### General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **August 14, 2008** or Development Plan approval will expire.

#### Site Plan

2. Coordinate alignment of vehicular drive and pedestrian access to the property to the south, per the General Plan of Development approved January 6, 2005.

3. The remnant parcel to the north shall be fenced inclusively with the hotel property, landscaped with a buffer at the perimeter of the property, and dust proofed on the interior of the remnant property, to be maintained by the hotel. Further, that if this area is used as a parking area, it shall be fully improved to development code standards.
4. Provide 8'-0" wide public sidewalk along Priest Drive per Southwest Tempe Overlay District details.
5. Provide service yard and mechanical (cooling tower/generator) yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard, as indicated.
6. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
7. Provide upgraded paving at the driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
8. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
9. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

#### Floor Plans

10. Exit Security:
  - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
  - b. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
11. Public Restroom Security:
  - a. Lights in restrooms:
    - 1) Provide 50% night lights
    - 2) Activate by key or remote control mechanism
  - b. Single user restroom door hardware:
    - 3) Provide a key bypass on the exterior side

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<b>Item #12</b>	<b>PL070271</b> <b>DPR07141</b>	<b>JOHNNY G. MARTINEZ WATER TREATMENT PLANT</b> (Development Plan Review) 255 East Marigold Lane R1-6, Single Family Residential District
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**DPR07141** – Development plan review including building elevations and site plan.

#### General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **August 14, 2008** or Development Plan approval will expire.

#### Site Plan



2. Provide details of the freestanding security wall proposed at the northern border of the water treatment plant for staff approval.
3. Provide overall auto parking calculation for the water treatment plant that includes the area of the existing and proposed buildings and deletes the building being demolished. Do not exceed the amount of required parking by greater than 125 percent or obtain a Use Permit to allow the excess of surface parking. As part of the Use Permit, justify the quantity of excess parking.
4. Provide bike parking calculation that includes one required parking space per 10,000 s.f. of water treatment plant building. Indicate bike parking on the site plan. Install bike parking in accordance with Standard Detail T-578.
5. Maintain existing storm water retention system on site. Submit a grading and drainage plan indicating proposed modifications (if any) to existing storm water retention system caused by this work.
6. Locate all freestanding and building mount security lights so that they do not conflict with existing tree locations. Provide minimum 20'-0" horizontal separation (or make separation as determined by Planning staff in special cases) between security light fixture and tree trunk center.
7. Do not install razor wire, barbed wire, chain link fencing or similar barrier material in either project area, except as a temporary construction barricade that is removed prior to certificate of occupancy.

#### **Building Elevations**

8. The main colors and materials described in the presentation exhibits have a light reflectance value of 75% or less and are acceptable. Submit any additions or modifications for review during building plan check process. Approved colors shall be field verified by the Inspection staff during building construction.
9. Conceal roof access inside each of the buildings.
10. The designed, exposed roof drain system for the buildings is acceptable.
11. Coordinate the alignment and location of any incidental electrical (alarm klaxon, etc.) or other equipment attachment where exposed into building elevations so that the architecture is enhanced by these elements. Provide detail layout for review during building plan check process.
12. Indicate locations of lighting and addressing on the building. Detail lighting and addressing to enhance the architecture. No exposed conduit is allowed. Provide details of lighting and addressing mounting assemblies for review during building plan check process.

#### **Landscape**

13. Protect and maintain existing plant material on site.

#### **Signage**

14. Display address signage as follows:
    - a. The location of address letter signs as indicated on the presentation elevations are acceptable. As indicated, the address may be a letter following the letter system established for buildings in the water treatment plant.
    - b. Mount address signs in a permanent stationary and durable manner.
    - c. Address signs shall be visible from the surrounding area.
    - d. No other number or letter shall be affixed to the building that might be mistaken for the number or letter assigned to the building.
    - e. Provide address sign of 12" high, individually mount, metal, reverse pan channel characters.
    - f. Provide address sign of contrasting color to background (minimum 50 percent contrast).
    - g. Direct illuminate address sign from dusk to dawn with a wall-mount security light.
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The following cases were voted on individually for continuances:

**Item #3**            **PL070079**        **CHILDSPLAY**  
                      **DPR07085**        (Development Plan Review)  
                                  900 South Mitchell Drive  
                                  R1-6, Single-Family Residential District

**On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 7-0 continued this item at the request of the applicant to the October 9, 2007 hearing.**

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**Item #7**            **PL070066**        **CHURCH ON MILL-CLASSROOM BUILDING**  
                      **DPR07182**        (Development Plan Review)  
                                  1300 South Mill Avenue  
                                  R-2, Multi-Family Residential District

**On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 7-0 continued this item at the request of the applicant to the August 28, 2007 hearing.**

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**Item #9**            **PL070167**        **THE SETS**  
                      **UPA07007**        (Use Permit Appeal)  
                                  93 East Southern Avenue  
                                  CSS, Commercial Shopping and Services District

**On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 7-0 continued this item at the appellant's request to the September 25, 2007 hearing.**

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The Commission moves on to the discussion agenda:

**Item #6**            **PL060700**        **CAMPUS TOWERS**  
                      **DPA07114**        (Development Plan Review)  
                      **ZON07005**        (Zoning Map Amendment)  
                                  1215 East Orange Street  
                                  R-3, Multi-Family Residential Limited and  
                                  TOD, Transportation Overlay District

**DPR07114** – Development plan review including site plan, building elevations and landscape plan.

**ZON07005** – **(Ordinance No. 2007.52)** Zoning Map Amendment from R-3, Multi-Family Residential Limited and TOD, Transportation Overlay District (corridor) to R-4, Multi-Family Residential General and TOD Transportation Overlay District (corridor) for +/- 5.70 acres.

This case was presented by Kevin O'Melia and represented by Robert Pizorno (Beus Gilbert) and Nathan LeBlang (Orcutt Winslow).

Pizorno: Currently the site is underdeveloped and has a much lower density than the City has planned. Also, our plan shows a lot less density, less height and less lot coverage than we could go. This proposal is for student-housing condominiums. As part of this project we will be abandoning a portion of Mariana Street, north of Lemon. We brought our

R-5 zoning request down to R-4. There was a concern regarding the height of the building along Dorsey; in answer to that, we have increased the setback from 10' to 20' and place mature landscaping in that setback to further buffer that neighborhood to the east. We have agreed to participate with the neighbors in traffic calming along Dorsey at the intersections of Don Carlos and Orange Streets. We have also agreed to work with the neighbors if future parking restrictions are required. All parking will be onsite.

LeBlang: Gives a brief presentation using colored elevations.

Oteri: What is being sacrificed onsite to achieve that 20' setback on Dorsey?

LeBlang: We had larger driveways than required so we took 2' from each driveway and took 1' out of some landscape borders and it made that 10' up with no other changes to the plan.

Oteri: Can you explain why you have 334 parking spaces but 389 beds, where do the other 55 vehicles park?

LeBlang: The City requires three parking spaces for four students. We are over in our parking requirement which includes visitor and handicap parking.

Nicpon: Are there occupancy restrictions? What assurances can you give us that this will not be a problem?

Linda Gerchick: We understand that student housing is a different genre than your typical condominium complex and the management will be strict and is prepared to keep it tight.

Carnahan: Why own? Why not just rent?

Pizorno: We feel having an owner onsite adds another layer of protection and is a security feature. With individual ownership, there is some accountability.

Carnahan: What is the reasoning behind the color choices?

LeBlang: We wanted to keep it natural, more types of desert colors. We wanted to stay with a very muted, subtle palate.

Attridge: What is the mature tree height for the trees being planted along Dorsey?

O'Melia: O'Melia reads Condition 29 and states that his goal in writing that condition was that at maturity the treescape would equal the building height and obscure the masses of the buildings.

Attridge: How long does it take for these types of trees that you are calling out in the condition take to reach maturity?

O'Melia: The sissoo takes approximately twenty years.

Oteri: Who is the developer of the site? Has this type of housing been developed at other colleges?

Pizorno: Linda Gerchick is the developer.

Gerchick: This format has been done at San Diego State, Florida State and Oregon State; these are the three that I have looked at.

Torregrossa: Could we get a clarification on Condition 3C?

O'Melia: Kevin reads the modified Condition 3C.

Acting Chair MacDonald opens the hearing for public input:

Charles Buss: I am the Chairperson for the University Heights Neighborhood Association and an APAC member. We are concerned about traffic on Dorsey and density and height of project. The applicant has hired a traffic consultant who indicates that trips could increase from 550 to 805. Due to the price point of these, I feel these will not be poor students; therefore, I feel that there will be more cars than the developer is planning on and parking will be an issue.

Nicpon: Do you have any idea out of the approximate 227 homes in your neighborhood, how many of those are not owner-occupied?

Buss: Probably close to 50%.

Chris McKee: I am a member of APAC and the University Heights Neighborhood Association. We want to make sure the trees are a good box size, not twigs. When a tree or trees die, they are replaced. I would like to see a little more color added. We support the 20' setback. Would like to see the developer and the City work on traffic calming.

Phillip Amerosi: I am the Chair of APAC. We had offered the suggestion of the stair-step approach and that they could

take the Dorsey side down to two stories and raise the back the back of the development to four stories, this way they wouldn't lose any units. Also, would like to see the size of the tree installation on Dorsey increased to 60" box size.

Acting Chair MacDonald closes the hearing to public input:

APPROVED

Pizorno: As far as density, we are coming in under what the General Plan calls for. The current zoning, R-3, allows for three stories (30 feet); we are not asking for anything different than what it is permitted under the current zoning. The additional four feet of building height we are requesting is for screening of the mechanical penthouses. As far as traffic mitigation, we are in full support and would like to move forward with that. As far as the 30" box trees on Dorsey, we are open to looking at different types of trees and trees that grow faster. As far as setback goes, we have moved back the setback on Dorsey an additional 10' to 20'.

Nicpon: Have you considered the suggestion by Mr. Amerosi regarding going from three stories to two stories in front (facing Dorsey) and then four stories in the back?

LeBlang: We considered many different designs but once you get above three stories, the buildings require elevators. Other cost factors for four-story buildings make them prohibitive for this project.

Susan Anderson/Kimley Horne: We found that trips increased from 500 to 800, which is based off the ITE Trip Generation Manual. These trips relate to the types of units based on the ASU Campus Housing Survey.

Nicpon: So traffic will increase about 60%?

Anderson: Yes.

Attridge: What did the survey show as the percentage of students that have cars and did it differentiate between students living on or off campus?

Anderson: The survey was done on students that lived on campus (students that didn't commute) and the findings were that 30% did not have vehicles.

Acting Chair MacDonald closes public hearing portion:

Oteri: How was the TOD approved?

Levesque: Done by a Code Text amendment approved by the City Council.

Attridge: Is there a way to word a stipulation that would include a larger sized box tree or a faster growing tree along Dorsey?

O'Melia: Of the two you mention, I would lean towards a larger sized tree at installation. Faster growing trees tend to not live as long. A size that I would recommend a standard 48" or 54" box tree.

Pizorno: We would be happy to offer a 48" box.

Carnahan: Not comfortable with the fact that the owner may or may not be in the state. Also, not comfortable with the exposed grey CMU.

Nicpon: Larger sized box trees tend to not grow as quickly or be as healthy as a 24" box tree. Traffic will increase, I'm not in favor of the project as is. Project should have more visual interest or impact.

Webb: Concerned about CC&R's and traffic. The exterior is very plain and "barrack" looking.

Oteri: We have a TOD for a reason. Not overwhelmed by the design and I am concerned about the parking.

Torregrossa: Very bland and I don't feel I can support this project as is.

Attridge: I find some very redeeming architectural features and feel it is a very innovative concept. I do have concerns about the management philosophy. I commend the living spaces for the disabled, I find that very refreshing.

Pizorno: We would like continue this case and come back after we've had a chance to make some of the changes that have been brought up here tonight.

**On a motion by Commissioner Oteri and seconded by Commissioner Torregrossa, the Commission with a vote of 7-0 continue this item to the September 25, 2007 meeting.**

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<b>Item #8</b>	<b>PL070082</b> <b>DPR07119</b> <b>ZUP07085</b>	<b>WALGREENS DRUG STORE #11610</b> (Development Plan Review) (Use Permit) 2000 South Mill Avenue CSS, Commercial Shopping & Services District
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**DPR07119** - Development Plan Review including building elevations, site plan and landscape plan.

**ZUP07085** - Use Permit to allow a two lane retail sales drive-through service in the CSS, Commercial Shopping and Service District.

This project was presented by Kevin O'Melia and represented by Maneesh Dwivedi.

Dwivedi: Walgreens will be a good neighbor. The addition of a 10' wall at the west and south property lines will help secure the neighborhood. Informal traffic study shows a reduction of trips with the Walgreens located at this site as compared to the fuel station (now closed), the office complex and stereo shop that are located there now.

Bruce Shapiro (developer) steps in and indicates that his company, Arizona Partners, has assumed the sub-lease where Walgreens currently resides (on Broadway east of Mill) and it is their business to find another tenant for that space.

Acting Chair MacDonald: How many trucks will deliver per day?

Dwivedi: One truck per week and the delivery is typically made in the early morning hours prior to the store being open for business.

Nicpon: Where is the 10' wall located?

Dwivedi: On the south and on the west of the development.

Abrahamson: CPTED stands for Crime Prevention Through Environmental Design and has been incorporated into the Zoning and Development Code. The Tempe Police Department has had a chance to review these plans and a 10' high masonry wall does provide for access control into the property, so it would meet CPTED requirements in that respect.

Attridge: How does the security plan address the issue of panhandlers?

Shapiro: We feel in the center where Walgreens currently resides, that situation has a tendency to grow because of the "decay" of that center and the fact that Walgreens is not the only tenant. But in this new situation, Walgreens will be alone in a brand new facility and has a major investment and a major liability, being the only tenant and the owner.

Oteri: We have a letter dated August 6, 2007 from Dr. Wilk of College Town Development indicated a concern about the 24 hour lighting.

Dwivedi: We are using shielding on the light fixture itself and the 10' wall will help to contain the light. The ordinance states that lighting cannot cross the property line and we believe that we are taking appropriate measures.

O'Melia: The eave of the four-plex roof will be below the top of the wall, so the eave and wall together will create full cut-

off.

Acting Chair MacDonald opens the hearing for public input:

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Steve Stewart: I would first like to thank Kevin O'Melia for all of his assistance, he has been extremely helpful. We (speaking for the neighborhood) are very happy with the 10' wall and the security plan. We do not want the bus stop moved to east side of Walgreens. A suggestion we have, with Dr. Wilk's permission, would be to enclose his east/west access (Dr. Wilk's apartments are immediately south of the proposed Walgreens). We are also concerned about the parking problem on Palmcroft that will get worse when this Walgreens goes under construction. But, the neighbors do welcome Walgreens into the neighborhood.

Margaret Christensen: Concerned about the landscaping around the wall. If they stucco the wall, could it be done on both sides of the wall? Also, the existing Walgreens does not have a good track record for dealing with the panhandlers.

Acting Chair MacDonald closed the hearing to public input:

Dwivedi: The block wall will be a double-faced split block.

O'Melia: Condition 30 addresses the landscaping. The trees will grow to be taller than the wall with time, but at the time of installation will be below the wall and will not be seen.

Nicpon: Great project and a plus for the neighborhood.

Attridge: In favor of the project, would certainly like to see a security guard there 24/7.

Webb: I think the developer and Walgreens have done a good job of listening to the neighbors, I also believe a security guard would be a good idea.

**On a motion by Commissioner Webb and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 approve the Development Plan Review and the Use Permit with the following conditions:**

#### **ZUP 07085 Conditions**

1. The Owner is required to prepare a security plan for this commercial development with the Police Department. Contact the Crime Prevention Unit of the Police Department (480-858-6330 or derek\_pittam@tempe.gov). In particular, address site security for employees and customers on site and measures to prevent unwanted solicitation on site. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately twelve weeks prior to receipt of certificate of occupancy. A Certificate of Occupancy will not be issued prior to the enactment of the security plan.
2. Remove the existing perimeter wall within the property on the south and west edges of the property. Do not disturb existing perimeter wall belonging to adjacent multi-family property owner to west of this site. Provide a concrete unit masonry perimeter wall of 10'-0" height except reduce the height of the wall from 10'-0" to 3'-0" between 20'-0" of the northwest and southeast property corners and the property corners themselves.

#### **DPR 07119 Conditions**

##### **General**

3. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **August 14, 2008** or the Development Plan approval will expire.

##### **Site Plan**

4. Reconfigure parking along the Mill Avenue frontage to add an east-west walkway from the building to the Mill Avenue sidewalk. Refer to the Site Plan Review mark-up, dated 6/27/07, for a graphic description of this condition. This walkway will link the store directly to the bus stop when it is installed by the City in the future.

5. Place bike parking close to business entrance. Disperse bike parking to two locations flanking the entrance; locate bike parking on two concrete pads where each pad separates the disabled accessible parking from the adjacent parking. Refer to the Site Plan Review mark-up, dated 6/27/07, for a graphic description of this condition. This condition reduces the quantity of vehicle parking by one. There still is an ample vehicle parking surplus.
6. Coordinate the south and west perimeter landscape buffer with the following:
  - a) The buffer must be continuous. Do not pave any part of the buffer for the transformer or for other equipment pads. Site lighting bases may occur within the inside edge of the buffer (the edge facing the building) where adjacent to multi-family development but not to single family development.
  - b) Coordinate the width of the south and west perimeter wall footing with the minimum 6'-0" wide landscape buffer. Measure the minimum 6'-0" width from the projecting toe of the footing rather than from the face of the wall.
  - c) Along the western perimeter, lay the minimum 6'-0" wide landscape buffer alongside the eastern edge of the public sanitary sewer easement. Do not superimpose the buffer on the easement. Public Works / Water Utilities Division will not allow trees to be planted within the easement. Refer to the Preliminary Site Plan Review mark-up, dated 6/27/07, for a graphic description of this condition.
7. Locate parking screen wall in the Mill Avenue frontage outside of the 17'-0" roadway and utility easement.
8. Provide screen walls for parking of 8x8x16 split face concrete masonry units with a split face CMU 8x4x16 cap. Face the split face away from the parking spaces. Finish the masonry, all exposed sides, ends and top to match CMU water table on building. Provide screen perimeter wall at south and west property lines of similar construction and finish, full height, with split face facing away from development. Refer to the ZDC Part 4 Chapter 7 for the height of the perimeter and parking screen walls except refer to the Use Permit conditions for an increase in the height of the perimeter wall.
9. Provide clay or concrete unit pavers in driveways from the back of the T-320 disabled sidewalk bypass to 20'-0" on site and from curb to curb, typical both driveways.
10. Place exterior, freestanding reduced pressure and double check backflow assemblies for domestic and irrigation use in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry screen wall following the requirements of Standard Detail T-214.
11. Finish utility equipment boxes in a color (subject to utility provider approval) that compliments the coloring of the building. Do not paint over instructional or warning decals on the equipment boxes.
12. Provide 6" square vision portals in opaque refuse enclosure gates or provide gates of steel vertical pickets or a tightly woven steel mesh that allow visual surveillance through gate when up close.

#### **Floor Plan**

13. Provide security visual surveillance capability at service doors at south elevations and where occurs. Do one of the following to exterior doors (except to rarely accessed equipment rooms) that are otherwise unglazed:
  - a) At service doors, provide vision panel of high strength plastic or laminated glass, 3" wide, to 5'-6" above threshold at head and to 3'-7" at sill of vision panel.
  - b) Where two-way viewing is not desired at service doors, provide two 360 degree viewers per door. Position the viewers so they can be used from the interior in a standing or seated position. Position the viewers vertically in the door and conform view angle to the Americans with Disabilities Act.
14. Public Restroom Security:
  - a. Lights in restrooms:
    - 3) Provide 50% night lights
    - 4) Activate by key or remote control mechanism
  - b. Provide a key bypass on the exterior side of single user restroom door hardware.

### Building Elevations

15. Conceal full height of equipment on roof with parapet on four sides that meets or exceeds the equipment height, including its mounting. Consider extending the 26'-0" high parapet across the south and west portions of the roof and enclosing the taller equipment within this roof area and allow the shorter equipment to remain outside in the 24'-0" high parapet area. Alternatively, all equipment must fit vertically under the height of the 24'-0" high parapet.
16. Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Field verification of colors and materials during building construction will be by planning inspection staff.
17. Conceal roof access inside building. Do not allow any part of roof ladder to be visible from the exterior of the building.
18. Conceal roof drain leaders in building. Drain exits at base of building and roof drain overflows at roof line are allowed to be exposed. Incorporate these elements into the building architecture.
19. Conceal electrical service entrance section, inside the building, in a tight fitting alcove or in an equipment yard. In the latter case, make enclosure yard wall integral with the building architecture.
20. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
21. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is separately reviewed and approved by the Development Review Commission.

### Lighting

22. Illuminate roll-up and pedestrian entrances continuously from dusk to dawn.
23. Illuminate the paving in front of the southern coiling doors to minimum 4.0 foot-candles continuously from dusk to dawn.
24. Freestanding light standards are allowed on the inside edge of the landscape buffer adjacent to the multi-family residential properties. Do not place freestanding light standards in the landscape buffer adjacent to the alley—provide security light from building mount fixtures. At the parallel parking along the southern part of the property. It is permissible to locate non-required parking islands between two parking spaces and place a freestanding light standard in each of these islands.

### Landscape

25. ~~Protect and maintain the existing mature Eucalyptus speciosa near the southeast corner of the site. Incorporate this tree into the landscape design.~~ It is not necessary to preserve the existing Thevetia peruviana on the south property line or any other existing plant material on site or in the Mill and Broadway frontages. Do not disturb off-site landscape to south or west of this site. **(MODIFIED BY THE COMMISSION)**
26. Coordinate the tree layout on the Mill Avenue frontage with the future bus pull out shelter so the tree installation does not interfere with the proposed bus pull out layout. Refer to Public Works / Jim Bond mark-up of sheet C-1, dated 6/14/07 for bus pull out configuration.
27. At the Mill and Broadway frontages, substitute Cercidium praecox at 24" box installation size for Ficus.
28. Provide Chilean mesquite (thornless) as indicated or some other canopy tree of minimum 1-1/2" caliper and minimum 24" box installation size where indicated at the parking landscape islands. Select specimens for landscape islands that are standards (single trunk).
29. Provide a canopy tree at each required parking landscape island. This includes the islands at either end of the

parallel parking space row and at the islands between the business entrance and the intersection that also have *Phoenix dactylifera*. In this latter case place the palm and the canopy tree in close proximity to each other to allow the tree canopy to be beneath the palm frond spread.

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30. Provide non-deciduous tree screen in landscape buffer; install trees at 20'-0" on center. Freestanding light standards may be positioned in the buffer adjacent to multi-family properties provided they are midway between adjacent trees at 20'-0" on center, are moved as far away from the perimeter wall as possible and the lamp is suspended on an arm that brings the lamp further away from the perimeter wall. Acacia salicina at 30" box installation size indicated is acceptable for the buffer adjacent to multi-family properties except at the trees on either side of the freestanding light standard, provide Acacia stenophylla at 36" box installation size to minimize interference between tree and light source. Substitution of Dalbergia sissoo (same installation size) for Acacia salicina is required at the portion of the landscape buffer adjacent to the alley and single family properties beyond.
31. Coordinate landscape with existing utility equipment boxes on site and in frontages.
32. Irrigation notes:
- A separate dedicated landscape water meter is recommended (not required) to separately measure landscape water and avoid a sewer charge on water used for landscape.
  - Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
  - Locate valve controller inside the building. Otherwise, if in a freestanding location or on the exterior of the building, place the controller inside a lockable, vandal resistant housing.
  - Hardwire power source to controller (a receptacle connection is not allowed).
  - Controller valve wire conduit may be exposed unless the controller is in an exterior location. In this case conceal the conduit inside the controller pedestal (if freestanding) or inside the wall (if controller is wall mounted).
  - Repair existing irrigation systems on properties to south and west of this site where these systems are disturbed by this construction.
33. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

### Signage

34. Provide 0'-6" high vinyl die cut address number on window between entrance doors.
35. Provide one 0'-12" high address sign on each side of the masonry base of the monument sign on Mill Avenue. Provide four 0'-12" high address signs on the building, including two on the east, and one each on the west and south elevations. Locate signs at uniform height on building in the locations indicated on the Site Plan Review mark-up, dated 6/27/07. Do not address the north elevation since the site is not addressed on Broadway. Conform to the following for address signs described in this condition:
- Direct illuminate the address signs.
  - Provide street number only, not the street name.
  - Compose of individual mount, metal reverse pan channel characters.
  - Adjust locations so sign is unobstructed by trees, vines, etc.
  - Do not affix another number or a letter that might be mistaken for the address number.

### Item #11

**PL070211**  
**ZUP07067**

**BODY ACCENTS TATTOO AND PIERCING STUDIO**  
(Use Permit)  
1524 North Scottsdale Road  
Commercial Shopping & Services District

**UPA07005** - Use Permit Appeal (ZUP07067) for a tattoo and body piercing studio.

This case is presented by Shawn Daffara and represented by Darlene Justis.

Justus: Presents on behalf of the North Tempe Neighborhood Association regarding its concerns on the clustering of "adult" oriented businesses.

Nicpon: Do you know who owns that shopping center?

Justus: As of my last research, a Chinese Knitting Company located in China.

Nicpon: Do you know how many tattoo shops there are in Tempe?

Justus: I did a Google search and came up with approximately 11 to 13.

Attridge: Do you have any statistics on crime or the number of police calls in that center?

Justus: Calls to Smoking' Lingerie are quite low. They do have issues at Star Liquor with Police calls, but do not have the statistics.

Attridge: Does staff have any information?

Daffara: During the June 27<sup>th</sup> Hearing Officer, Derek Pittman, one of our Crime Prevention Officers did email me and at that time Body Accents was applying for their use permit and not open; but, he did find any indication that the uses at that center were causing Police call-outs. I do not have the exact numbers in front of me but from my recollection of that Hearing, the calls were negligible, there wasn't a higher number of calls at Union Plaza as compared to the surrounding community along Scottsdale Road.

Webb: You indicated in your appeal information that Hickman's Plumbing would move if the tattoo shop went in, do you know when their lease is up?

Justus: I don't know.

Webb: What would be their reasoning in wanting to move?

Justus: They are concerned with loud music and they will not hire people with hand or face tattoos. They are concerned about loitering and that it is one more adult business in that area and they don't want to be there if the trend continues.

Webb: You mention another tattoo shop, Club Tattoo, at Rural and University. Do you know of any problems at that location?

Justus: No.

Acting Chair MacDonald: We are hearing the term adult use, how does our code speaks to adult uses and how adult use is defined?

Daffara: This question was also raised at the June 27<sup>th</sup> Hearing Officer and under the definition of Adult Business in our Zoning and Development Code, tattoo shops are not listed.

Acting Chair MacDonald: At that center we have a liquor store, a lingerie store, a bail bondsman, payday loan and potentially a tattoo shop, which of these are considered adult businesses?

Daffara: At this time, none of them.

Justus: I would like to mention something about Smoking Lingerie, I have been told it's a bookstore, a furniture store, they have triple "x" movies, and implements of torture.

Abrahamson: For the record, Smoking Lingerie is not applying for a Use Permit tonight and would like to make sure that the representatives from Body Accents get a chance to speak before we open the hearing to public comment.

Attridge: Thank you Ms. Justus for coming down and taking of your time.

Elizabeth Preston (Body Accents): We have complied with all of the Conditions required, we are not an adult oriented business, and we have plenty of documentation to state what an adult oriented business is.

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Tom Preston: We have spent a great deal of money to make our business appealing to the City and our customers. Loitering is a nuisance to us as it would be for any other business. Our charge is 100.00/hour, we do not plan on allowing loitering. We have complied with all of the conditions of the Use Permit that was granted to us at the Hearing Officer.

Attridge: What made you choose this location?

Mr. Preston: It's a good location; I had a studio here in Tempe a few years ago, sold it and moved into another location. This Scottsdale area is a great area.

Attridge: Can you describe an average customer?

Mr. Preston: Middle to upper class. We have done tattoos on fire fighters, police officers, mayors, CEOs of major companies, all different types of people.

Oteri: Are you regulated by any government body?

Mr. Preston: No but we have OSHA and Health Department guidelines that we follow.

Torregrossa: How many tattoos would you say you do in a day?

Mr. Preston: Five to ten.

Torregrossa: Would you get rid of any of the neon if that was an issue?

Mr. Preston: Yes.

Acting Chair MacDonald opens the hearing for public input and reads comments from people who do not wish to speak:

Allison Star: Too many unsavory businesses in this complex, we want to upgrade the gateway from Scottsdale into Tempe in this area.

Shannon Dutton: Does not want the Use Permit upheld. Homeowners and businesses have worked hard to keep North Tempe a proud community with minimal crime.

Betty Ackworth: Does not want the Use Permit approved.

Acting Chair MacDonald calls on the public who wishes to speak and reminding them that there is a three minute time limit on each speaker.

Jim Lemon: We were against Smoking Lingerie and after it came in, the area changed. The City doesn't have the proper tools to regulate these types of activities. We are trying to get sustainable neighborhoods; these are absentee landlords that own this center. I feel sorry for the Preston's, I know they are a good operator, from what I've heard; but it's just the wrong use for this center because it will take the neighborhood in the other direction.

Allison Star for C. Star: Does not feel that the tattoo parlor is conducive to the planned development of the Scottsdale Road Corridor. According to a study, business of an "adult" type tend to scare off more traditional type businesses.

Julie Lind: We are trying to attract businesses that benefit our family neighborhood. My son works at the new Starbucks and we need business where kids can be employed. This issue is more important than coloring, setbacks or parking. This issue is what I believe you are here to monitor.

Kathy Tursckowsky: Starbucks is bringing in about \$60,000 per week and does not support this type of business. Not opposed to tattoos or the shop itself, just feel this isn't the location for it.



Acting Chair MacDonald closes the public portion of this hearing.

Attridge: I feel the tattoo parlor is more of an urban use and is not compatible with the adjacent properties, which is one of the criteria used in determining a Use Permit. I will vote in favor of the appeal.

Nicpon: In relationship to Mr. Lemon's comments, it's not that the City doesn't have the tools but, maybe the City doesn't have the fortitude to do the things necessary for the betterment of the neighborhood. My other question is that if those businesses located in that center now were not there and there were businesses that met the community standard, such as Starbucks, would we preclude the tattoo parlor from opening in that center? I believe the tattoo shop is adding to this clustering of these types of businesses and I will vote in favor of the appeal.

Webb: A tattoo parlor is more main stream these days, much different than 15 years ago. I feel they have a right to open their store where the market will bear. I understand the neighbors concerns, but I've heard more bad things about the stores around them, then the tattoo store. I will be voting to deny the appeal.

Acting Chair MacDonald: This is a real dilemma and a lot of what Ms. Lind said stayed with me and how we agonize over some pretty benign issues and this issue is striking at the heart of this neighborhood. I do feel this is probably the most main stream business that would you have out of the other businesses already existing there. I was impressed with the Preston's presentation on the health and safety aspects of their business. I do feel it is a viable business at a viable location. Although it is a struggle, I would also vote to deny the appeal.

**Commissioner Nicpon, seconded by Commissioner Attridge, motioned to approve the appeal to deny the Hearing Officer's approval of the Use Permit. After a vote of 3-4 (MacDonald, Carnahan, Oteri, and Webb dissenting) the motion fails. As a result of the motion, the Hearing Officer's approval of the Use Permit is upheld.**

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**Item #13**      **PL070276**      **NORTHWEST FARM LIMITED PARTNERSHIP**  
                 **GEP07003**      General Plan Amendment  
                 **ZON07007**      Zoning Map Amendment  
                              2727 East University Drive  
                              RMH, Mobile Home Residence District

**GEP07003 – (Resolution No. 2007.68)** General Plan Projected Density Map Amendment from Medium Density (up to 15 du/ac) to Medium-High Density (up to 25 du/ac).

**ZON07007 – (Ordinance No. 2007.58)** Zoning Map Amendment from RMH, Mobile Home Residence District to R-4, Multi-Family Residential General District.

This project was presented by Ryan Levesque and represented by David Cisiewski.

Cisiewski: This is a very straightforward case, it is a land-use issue. We believe from it's inception it was intended to be multi-family, it is positioned well for multi-family, and feel this use is appropriate. This rezoning and general plan designation of medium to high density fits in very well with the adjacent area in terms of its position to University Drive and all of the other developments that have surrounded this property over the years. Mr. Moser has no intentions of selling this property, he is not in escrow to sell, nor is he a developer. They have owned the park for 12 years and they plan to continue ownership and plan to continue to run it as a mobile home park.

Mr. Moser has gone above and beyond the call of duty when it comes to gathering input from the residents and neighbors. Mr. Moser has set-up a community meeting and invited the tenants, questions were answered that evening orally and then written responses were sent to the tenants subsequent to that meeting. Another meeting was then held, notifying the residents with 300', as well as again notifying the tenants of the park. Should the use change in the mobile home park, the tenants are entitled to 180 days notice. In addition, there is a compensation fund available to these tenants. Should Mr. Moser not comply with the notice requirements, there are significant monetary penalties. When and if Mr. Moser decides to

develop this property into something other than a mobile home park or if he should decide to sell it, we have agreed an additional stipulation to provide the tenants notice again of the development plan.

Attridge: Do you know how many homes in the park were manufactured prior to 1971?

Cisiewski: Two.

Attridge: Any of the homes installed in ground?

Cisiewski: No.

Oteri: What triggers the notification? The concept or actual application?

Cisiewski: Notification is 180 days. My interpretation of the statute would be the 180 days would begin with the filing of an application with the City.

Oteri: Are there plans to leaving any spaces empty should there be any move outs? Does the park actively solicit for new residents?

Cisiewski: As far as I know, he is filling spaces and we are developing a notice to give to new tenants of the new zoning and possible future ramifications of the rezoning.

Oteri: What criteria have to be met for the reimbursement under that statute?

Cisiewski: A tenant has two options, if you elect to move the mobile home under this change of use scenario they can file for a collection of payment (payment based on a double or single wide mobile home); or the tenant can elect to abandon the home and there are still fees available to them should they choose to abandon.

Oteri: Should your client eventually decide to change the use, does he have a relocation plan over and beyond what is required?

Cisiewski: At the present time we have not looked into that due to the statutory requirements of the notice and the relocation funding that are available, which seem to be adequate.

Webb: What are the terms of leases or rents?

Cisiewski: Two to four years and a few month to month leases.

Carnahan: Why the request for R-4 and not R-3?

Cisiewski: We feel R-4 is a more appropriate use based on the historical use of the property, it's an appropriate use based on density and height.

Acting Chair MacDonald opens the hearing for public input by reading cards for citizens not wishing to speak:

Alice King: Many of us are too old or handicapped to move. The rezoning should be done if and when they are ready to sell.

Herbert Salisbury: Against rezoning. Property values will drop; we won't be able to sell.

Carrie Roth: Supports rezoning.

Norma Germaine: We are retired and this will be too physically challenging for the residents.

Cindy Franshure: Where are the people in the park that are disabled going to live?

Betty Chiswell: Should this rezoning go through and the mobile home park is sold, do you have a plan to relocate the residents of this park within the City of Tempe?

William Risk: I believe condos would be beneficial but I am concerned for the mobile home owners. As long as they are compensated fairly and relocated, I would say yes to the rezoning.

Julie Lind: In favor of rezoning.

Pauline Gerrard: We are opposed to the rezoning. We fear that if the rezoning comes into effect, that the property will be sold and turned into multi-family homes or condos.

Bryce Parker: In favor of rezoning.

Nicholas Sturkey: In favor of rezoning.

Rick Dunston: I support the rezoning and think it's a good fit for Tempe.

Megan Browner: I support the rezoning.

Robert Russell: I oppose the rezoning.

Roger Clark: I feel the City of Tempe has not been friendly towards seniors. This could become too dense with too much traffic.

John Perkins: I just want to say that I feel for my neighbors and am concerned about where they will go and what they will do.

Acting Chair MacDonald closes the public input portion of the hearing.

Ciesky: Based on comments received by residents at the community meeting, we had the park manager make some calls to surrounding mobile home parks to ask about what they will accept and how old of a mobile home they will accept. The response he received was that they would accept older homes but the skirting around the home had to be in good condition and that any other exterior damage would be repaired. Showing you this map, there are other parks with vacancies that will accept the older homes. So yes, relocation is a possibility. Within five miles, there are about ½ dozen parks.

Torregrossa: How many of the parks you show on the map are for 50+?

Ciesky: I believe all of them are 55+ parks.

Attridge: Do we know why this property was left as is and not modified when the General Plan was done like it was modified for Tempe Cascades?

Levesque: I was not directly involved in that General Plan Amendment request but I do recall some of the over-riding points to identifying a projected density of the area, was to first match some of the underlying densities in the area and then to further look in depth in specific areas that may be certain appropriate densities within those specific areas.

Nicpon: I believe going to an R-4 zoning is appropriate and am in favor of the zoning change.

Acting Chair MacDonald: I agree and feel it is an appropriate designation. I feel the applicant has done a good job in notifying the residents and keeping everything "above board", and I feel Condition 3 will help keep communication open with the residents.

**On a motion by Commissioner Nicpon and seconded by Commissioner Torregrossa, the Commission with a vote of 5-2 (Commissioners Carnahan and Attridge dissenting) recommend approval of the General Plan**

**Amendment and Rezoning for this case, based on the following conditions:**

1. The property shall provide a one hundred fifty (150) foot zone adjacent to the existing R-3 district to the west, establishing a maximum building height of thirty (30) feet, measured at finished floor.
  2. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
  3. Upon submittal of a Development Plan Review application to the City, the owner shall mail no later than ten (10) business days, a letter to all residents on site of the owner's intent to develop. Documentation shall be provided as part of the submittal requirements.
  4. Provide a Traffic Impact Study at the time of application for Development Plan Review.
  5. All necessary infrastructure improvements and city service impacts shall be identified during staff review for a future Development Plan, and all necessary infrastructure shall be paid for in full by the developer.
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**Item #7. Announcements**

No announcements at this time

**Meeting adjourned at 11:10 p.m.**

The next public hearing of the Development Review Commission is scheduled for Tuesday, August 28, 2007, located at City Council Chambers, 31 East 5<sup>th</sup> Street.

Prepared by: Lisa Lathrop, Administrative Assistant II  
Reviewed by: Lisa Collins, Deputy Development Services Manager

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Lisa Collins  
Deputy Development Services Manager

LC/II  
10/24/2007 1:58 PM